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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MALIK JONES,

No. CIV S-06-2732-FCD-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

C. STIEFERMAN, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Plaintiff’s “motion of imminent danger” (Doc. 79). In this motion, Plaintiff alleges two prison officials, nurse practitioner Burgett and Sergeant Harper, confiscated his wheel chair, and he is requesting an order from the court requiring his wheel chair be returned, and the two individuals reveal the names of the persons who claimed they saw Plaintiff running.

Plaintiff has filed a request for injunctive relief against individuals who are not named as defendants in this action. This court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). The request must, therefore, be denied.

1 Based on the foregoing, the undersigned recommends that Plaintiff's "motion of
2 imminent danger" be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Failure to file objections within the specified time may waive
8 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: November 4, 2009

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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